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MAR 28 2007

**OFFICE OF PETITIONS**

In re Application of :  
Dah-Shiarn Chiao, et al. :  
Application No. 10/043,928 :  
Filed: January 9, 2002 :  
Attorney Docket No. None :  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2006, to revive the above-identified application.

A review of the record discloses that a final Office action was mailed in the above-mentioned application on October 7, 2005. On January 26, 2006, applicant filed an amendment, without an appropriate petition for extension of time. Consequently, on May 23, 2006, a Notice of Fee Deficiency was mailed. Since no response was filed, the application became abandoned for a failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 7, 2005. A Notice of Abandonment was mailed September 13, 2006. In response, the present petition was filed on November 3, 2006.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee as required by 37 CFR 1.17(b)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) under 37 CFR 114 or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2).

The amendment filed January 26, 2006 does not *prima facie* place the application in condition for allowance. See the attached Advisory Action and Notice of Non-Compliant Amendment.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION  
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The centralized facsimile number is (571) 273-8300.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

Attachments: Advisory Action  
Notice of Non-Compliant Amendment